Calendar No. 327

110TH CONGRESS 1ST SESSION

S. 428

[Report No. 110-142]

To amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

IN THE SENATE OF THE UNITED STATES

January 30, 2007

Mr. Nelson of Florida (for himself, Ms. Snowe, Mrs. Clinton, and Mr. Lautenberg) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

August 3, 2007

Reported by Mr. INOUYE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "IP-Enabled Voice
- 5 Communications and Public Safety Act of 2007".

SEC. 2. DUTY TO PROVIDE 911 AND E-911 SERVICE.

- 2 (a) In General.—The Wireless Communications
- 3 and Public Safety Act of 1999 (47 U.S.C. 615 et seq.)
- 4 is amended by adding at the end the following:
- 5 "SEC. 7. IP-ENABLED VOICE SERVICE PROVIDERS.
- 6 "(a) IN GENERAL.—It shall be the duty of every IP-
- 7 enabled voice service provider engaged in interstate or for-
- 8 eign communication to provide 9-1-1 service, including
- 9 enhanced 9-1-1 service, to its subscribers in accordance
- 10 with the orders of the Commission.
- 11 "(b) Access to 911 Components.—
- 12 "(1) REGULATIONS.—Within 90 days after the 13 date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2007, the Com-14 15 mission shall issue regulations granting IP-enabled 16 voice service providers rights of access to 911 com-17 ponents that are comparable to the rights of access 18 to 911 components granted to commercial mobile 19 service providers. In promulgating the regulations,
- 20 the Commission shall take into account any technical 21 or network security issues that are specific to IP-en-
- 22 abled voice services.
- 23 "(2) Delegation of enforcement to state
- 24 <u>COMMISSIONS.—The Commission may delegate au-</u>
- 25 thority to enforce the regulations issued under para-
- 26 graph (1) to State commissions or other State agen-

1	cies or programs with jurisdiction over emergency
2	communications.
3	"(c) SAVINGS CLAUSE.—Nothing in the IP-Enabled
4	Voice Communications and Public Safety Act of 2007
5	shall be construed as repealing or otherwise altering,
6	modifying, affecting, or superseding Federal regulations
7	obligating an IP-enabled voice service provider to provide
8	9-1-1 service or enhanced 9-1-1 service.".
9	(b) DEFINITIONS.—Section 6 of the Wireless Com-
10	munications and Public Safety Act of 1999 (47 U.S.C.
11	615b) is amended by adding at the end thereof the fol-
12	lowing:
13	"(8) IP-ENABLED VOICE SERVICE.—The term
14	'IP-enabled voice service' means a service that—
15	"(A) enables real-time, 2-way voice com-
16	munications;
17	"(B) requires a broadband connection from
18	the user's location;
19	"(C) requires Internet protocol-compatible
20	customer premises equipment; and
21	"(D) permits users generally to receive
22	ealls that originate on the public switched tele-
23	phone networks and to terminate calls to the
24	public switched telephone network.

1	"(9) IP-ENABLED 9-1-1 SERVICE.—The term
2	'IP-enabled 9-1-1 service' means any 9-1-1 service
3	provided by an IP-enabled voice service provider, in-
4	cluding enhanced IP-enabled 9-1-1 service.
5	"(10) Enhanced ip-enabled 9-1-1 serv-
6	ICE.—The term 'enhanced IP-enabled 9-1-1 service'
7	means any enhanced 9-1-1 service so designated by
8	the Federal Communications Commission in its Re-
9	port and Order in WC Docket Nos. 04-36 and 05-
10	196, or any successor proceeding.
11	"(11) 911 COMPONENT.—The term '911 com-
12	ponent' means any equipment, network, databases
13	(including automatic location information databases
14	and master street address guides), interface, selec-
15	tive router, trunkline, or other related facility nec-
16	essary for the delivery and completion of 911 or E-
17	911 calls and information related to such calls to
18	which the Commission requires access pursuant to
19	its rules and regulations.".
20	SEC. 3. PARITY OF PROTECTION FOR PROVISION OR USE
21	OF IP-ENABLED VOICE SERVICE.
22	Section 4 of the Wireless Communications and Public
23	Safety Act of 1999 (47 U.S.C. 615a) is amended—

1	(1) by striking "carrier," in subsection (a) and
2	inserting "carrier or an IP-enabled voice service pro-
3	vider,";
4	(2) by striking "its" the first place it appears
5	in subsection (a) and inserting "their";
6	(3) by striking "service shall" in subsection (b)
7	and inserting "service, or IP-enabled voice service,
8	shall";
9	(4) by striking "wireless." in subsection (b) and
10	inserting "wireless or IP-enabled.";
11	(5) by striking "communications," in subsection
12	(e) and inserting "communications or IP-enabled
13	voice service communications,"; and
14	(6) by striking "wireless." in subsection (e) and
15	inserting "wireless or IP-enabled.".
16	SEC. 4. STATE AUTHORITY OVER FEES.
17	Nothing in this Act, the Communications Act of 1934
18	(47 U.S.C. 151 et seq.), the Wireless Communications and
19	Public Safety Act of 1999 (47 U.S.C. 615a), or any Fed-
20	eral Communications Commission regulation or order shall
21	prevent the imposition on, or collection from, a provider
22	of IP-enabled voice services of any fee or charge specifi-
23	cally designated by a State, political subdivision thereof,
24	or Indian tribe for the support of 911 or E-911 services
25	if that fee or charge—

1	(1) does not exceed the amount of any such fee
2	or charge imposed on or collected from a provider of
3	telecommunications services; and
4	(2) is obligated or expended in support of 911
5	and E-911 services, or enhancements of such serv-
6	ices, or other emergency communications services as
7	specified in the provision of State or local law adopt-
8	ing the fee or charge.
9	SEC. 5. MIGRATION TO IP-ENABLED EMERGENCY NET-
10	WORK.
11	(a) In General.—Section 158 of the National Tele-
12	communications and Information Administration Organi-
13	zation Act (47 U.S.C. 942) is amended—
14	(1) by redesignating subsections (d) and (e) as
15	subsections (e) and (f), respectively;
16	(2) by inserting after subsection (e) the fol-
17	lowing:
18	"(d) Migration Plan Required.—
19	"(1) NATIONAL PLAN REQUIRED.—No more
20	than 180 days after the date of the enactment of the
21	IP-Enabled Voice Communications and Public Safe-
22	ty Act of 2007, the Office shall develop and report
23	to Congress on a national plan for migrating to a
24	national IP-enabled emergency network capable of
25	receiving and responding to all citizen activated

1	emergency communications and improving informa-
2	tion sharing among all emergency response entities.
3	"(2) Contents of Plan.—The plan required
4	by paragraph (1) shall—
5	"(A) outline the potential benefits of such
6	a migration;
7	"(B) identify barriers that must be over-
8	come and funding mechanisms to address those
9	barriers;
10	"(C) include a proposed timetable, an out-
11	line of costs and potential savings;
12	"(D) provide specific legislative language,
13	if necessary, for achieving the plan;
14	"(E) provide recommendations on any leg-
15	islative changes, including updating definitions,
16	to facilitate a national IP-enabled emergency
17	network;
18	"(F) assess, collect, and analyze the expe-
19	riences of the PSAPs and related public safety
20	authorities who are conducting trial deploy-
21	ments of IP-enabled emergency networks as of
22	the date of enactment of the IP-Enabled Voice
23	Communications and Public Safety Act of
24	2007; and

- 1 "(G) document solutions that a national
 2 P-enabled emergency network will provide for
 3 9-1-1 access to those with disabilities.
 - "(3) Consultation.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, and others it deems appropriate."; and
 - (3) by striking "services." in subsection (b)(1) and inserting "services, and, upon completion of development of the national plan for migrating to a national IP-enabled emergency network under subsection (d), for migration to an IP-enabled emergency network.".
- 16 (b) AVAILABILITY OF PSAP INFORMATION.—The
 17 Federal Communications Commission may compile a list
 18 of public safety answering point contact information, test19 ing procedures, and classes and types of services sup20 ported by public safety answering points, or other infor21 mation concerning necessary 911 components, for the pur22 pose of assisting providers in complying with this section,
 23 and may make any portion of such information available
 24 to the public if such availability would improve public safe25 tv.

1 SECTION 1. SHORT TITLE.

- 2 This Act may be cited as the "IP-Enabled Voice Com-
- 3 munications and Public Safety Act of 2007".
- 4 SEC. 2. DUTY TO PROVIDE 9-1-1 AND E-9-1-1 SERVICE.
- 5 (a) In General.—The Wireless Communications and
- 6 Public Safety Act of 1999 (47 U.S.C. 615 et seq.) is amend-
- 7 ed by adding at the end the following:
- 8 "SEC. 7. IP-ENABLED VOICE SERVICE PROVIDERS.
- 9 "(a) In General.—It shall be the duty of every IP-
- 10 enabled voice service provider engaged in interstate or for-
- 11 eign communication to provide 9-1-1 service, including en-
- 12 hanced 9-1-1 service, to its subscribers in accordance with
- 13 orders of the Commission in effect on the date of enactment
- 14 of the IP-Enabled Voice Communications and Public Safety
- 15 Act of 2007, as such orders may be modified by the Commis-
- 16 sion from time to time.
- 17 "(b) Access to 9–1–1 Components.—
- 18 "(1) Regulations.—Within 90 days after the
- 19 date of enactment of the IP-Enabled Voice Commu-
- 20 nications and Public Safety Act of 2007, the Commis-
- 21 sion shall issue regulations granting IP-enabled voice
- service providers right of access to 9–1–1 components
- 23 that are necessary to provide 9–1–1 service, on the
- 24 same rates, terms, and conditions that are provided
- 25 to commercial mobile service providers. In promul-
- 26 gating the regulations, the Commission shall take into

account any technical, network security, or informa-

- tion privacy issues that are specific to IP-enabled
 voice services, including the security of 9-1-1 net works. The Commission shall require IP-enabled voice
- 5 service providers to which the regulations apply to
- 6 register with the Commission and to establish a point
- 7 of contact for public safety and government officials
- 8 relative to 9–1–1 service and access.
- 9 "(2) Delegation of enforcement to state
 10 commissions.—The Commission may delegate au11 thority to enforce the regulations issued under para12 graph (1) to State commissions or other State agen13 cies or programs with jurisdiction over emergency
- 14 *communications*.

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- 15 "(c) Savings Clause.—Nothing in the IP-Enabled
- 16 Voice Communications and Public Safety Act of 2007 shall
- 17 be construed as repealing or otherwise altering, modifying,
- 18 affecting, or superseding Federal regulations obligating an
- 19 IP-enabled voice service provider to provide 9-1-1 service
- 20 or enhanced 9–1–1 service.
- 21 "(d) Limitation on Commission.—Nothing in this
- 22 section shall be construed to permit the Commission to issue
- 23 regulations that require or impose a specific technology or
- 24 technological standard.

1	"(e) FCC Authority to Require 9-1-1 Service.—
2	The Federal Communications Commission is authorized to
3	require other providers of communications services using
4	wire or radio communication in interstate or foreign com-
5	merce to provide 9-1-1 service, including enhanced 9-1-
6	1 service, to users for the purpose of promoting safety of
7	life and property.".
8	(b) Definitions.—Section 6 of the Wireless Commu-
9	nications and Public Safety Act of 1999 (47 U.S.C. 615b)
10	is amended by adding at the end thereof the following:
11	"(8) IP-enabled voice service.—The term
12	'IP-enabled voice service' has the meaning given that
13	term by section 9.3 of the Commission's regulations
14	(47 C.F.R. 9.3), as those regulations may be amended
15	by the Commission from time to time.
16	"(9) IP-ENABLED 9-1-1 SERVICE.—The term
17	'IP-enabled 9–1–1 service' means any 9–1–1 service
18	provided by an IP-enabled voice service provider, in-
19	cluding enhanced IP-enabled 9-1-1 service.
20	"(10) Enhanced ip-enabled 9–1–1 service.—
21	The term 'enhanced IP-enabled 9-1-1 service' means
22	any enhanced 9-1-1 service so designated by the Fed-
23	eral Communications Commission in its Report and
24	Order in WC Docket Nos. 04–36 and 05–196, or any
25	successor proceedina

1	"(11) 9-1-1 COMPONENT.—The term '9-1-1
2	component' means any equipment, network, databases
3	(including automatic location information databases
4	and master street address guides), interface, selective
5	router, trunkline, non-dialable p-ANI's, or other re-
6	lated facility necessary for the delivery and comple-
7	tion of 9-1-1 or E -9-1-1 calls and information re-
8	lated to such calls, as determined by the Commis-
9	sion.".
10	SEC. 3. PARITY OF PROTECTION FOR PROVISION OR USE OF
11	IP-ENABLED VOICE SERVICE.
12	(a) In General.—Section 4 of the Wireless Commu-
13	nications and Public Safety Act of 1999 (47 U.S.C. 615a)
14	is amended—
15	(1) by striking "carrier," in subsection (a) and
16	inserting "carrier, IP-enabled voice service provider,
17	or alternative emergency communications service pro-
18	vider,";
19	(2) by striking "its" the first place it appears in
20	subsection (a) and inserting "their";
21	(3) by striking "emergency calls or emergency
22	services." in subsection (a) and inserting "emergency
23	calls, emergency services, or alternative emergency
24	communications services.";

1	(4) by striking "service shall" in subsection (b)
2	and inserting "service, or IP-enabled voice service,
3	shall";
4	(5) by striking "wireless." in subsection (b) and
5	inserting "wireless, IP-enabled, or alternative emer-
6	gency communications.";
7	(6) by striking "communications," in subsection
8	(c) and inserting "communications, IP-enabled voice
9	service communications, or alternative emergency
10	communications,"; and
11	(7) by striking "wireless." in subsection (c) and
12	inserting "wireless, IP-enabled, or alternative emer-
13	gency communications.".
14	(b) Definitions.—Section 6 of the Wireless Commu-
15	nications and Public Safety Act of 1999 (47 U.S.C. 615b),
16	as amended by section 2(b), is further amended by adding
17	at the end thereof the following:
18	"(12) Alternative emergency communica-
19	TIONS SERVICE.—The term 'alternative emergency
20	communications service' means the provision of emer-
21	gency information to a public safety answering point
22	via wire or radio communications, and may include
23	9-1-1 and enhanced 9-1-1 Services.
24	"(13) Alternative emergency communica-
25	TIONS SERVICE PROVIDER.—The term 'alternative

1 emergency communications service provider' means 2 an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that 3 4 is required by the Commission or, in the absence of 5 any such requirement, is specifically authorized by 6 the appropriate local or State 9-1-1 governing au-7 thority, to provide alternative emergency communica-8 tions services.".

9 SEC. 4. STATE AUTHORITY OF FEES.

- Nothing in this Act, the Communications Act of 1934

 (47 U.S.C. 151 et seq.), the Wireless Communications and

 Public Safety Act of 1999 (47 U.S.C. 615a), or any Federal

 Communications Commission regulation or order shall pre
 vent the imposition on, or collection by, a provider of IP
 enabled voice services or commercial mobile service, of any

 fee or charge specifically designated by a State, political

 subdivision thereof, or Indian tribe for the support of 9
 1-1 or E 099-1-1 services if that fee or charge—
- 19 (1) for IP-enabled voice services, does not exceed 20 the amount of any such fee or charge imposed on or 21 collected by a provider of telecommunications services; 22 and
- 23 (2) is obligated or expended in support of 9–1– 24 1 and E 099–1–1 services, or enhancements of such 25 services, or other emergency communications services

1	as specified in the provision of State or local law
2	adopting the fee or charge.
3	SEC. 5. FEE ACCOUNTABILITY.
4	To ensure efficiency, transparency, and accountability
5	in the collection and expenditure of 9-1-1 fees, the Federal
6	Communications Commission shall submit a report within
7	1 year after the date of enactment of this Act, and annually
8	thereafter, to the Senate Committee on Commerce, Science,
9	and Transportation and the House of Representatives Com-
10	mittee on Energy and Commerce detailing the status in
11	each State of the collection and distribution of 9-1-1 fees
12	and include findings on the amount of revenues obligated
13	or expended by each State or political subdivision thereof
14	for any purpose other than the purpose for which any fee
15	or charges are presented.
16	SEC. 6. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.
17	(a) In General.—Section 158 of the National Tele-
18	communications and Information Administration Organi-
19	zation Act (47 U.S.C. 942) is amended—
20	(1) by redesignating subsections (d) and (e) as
21	subsections (e) and (f), respectively;
22	(2) by inserting after subsection (c) the fol-
23	lowing:
24	"(d) Migration Plan Required.—

1	"(1) National plan required.—No more than
2	270 days after the date of the enactment of the IP-
3	Enabled Voice Communications and Public Safety
4	Act of 2007, the Office shall develop and report to
5	Congress on a national plan for migrating to a na-
6	tional IP-enabled emergency network capable of re-
7	ceiving and responding to all citizen activated emer-
8	gency communications and improving information
9	sharing among all emergency response entities.
10	"(2) Contents of Plan.—The plan required by
11	paragraph (1) shall—
12	"(A) outline the potential benefits of such a
13	migration;
14	"(B) identify barriers that must be over-
15	come and funding mechanisms to address those
16	barriers;
17	"(C) provide specific mechanisms for ensur-
18	ing the IP-enabled emergency network is avail-
19	able in every community and is coordinated on
20	a local, regional, and Statewide basis;
21	"(D) identify location technology for no-
22	madic devices and for office buildings and multi-
23	dwelling units;
24	"(E) include a proposed timetable, an out-
25	line of costs and potential savings;

1	"(F) provide specific legislative language, if
2	necessary, for achieving the plan;
3	"(G) provide recommendations on any legis-
4	lative changes, including updating definitions, to
5	facilitate a national IP-enabled emergency net-
6	work;
7	"(H) assess, collect, and analyze the experi-
8	ences of the PSAPs and related public safety au-
9	thorities who are conducting trial deployments of
10	IP-enabled emergency networks as of the date of
11	enactment of the IP-Enabled Voice Communica-
12	tions and Public Safety Act of 2007;
13	"(I) document solutions that a national IP-
14	enabled emergency network will provide for 9–1–
15	1 access to those with disabilities and needed
16	steps to implement such solutions, including a
17	recommended timeline for such implementation;
18	and
19	"(J) analyze technologies and efforts to pro-
20	vide automatic location capabilities and provide
21	recommendations on needed regulatory or legisla-
22	tive changes necessary to implement automatic
23	location solutions for 9-1-1 purposes.
24	"(3) Consultation.—In developing the plan re-
25	quired by paragraph (1), the Office shall consult with

1	representatives of the public safety community, groups
2	representing those with disabilities, technology and
3	telecommunications providers, and others it deems
4	appropriate."; and
5	(3) by striking "services." in subsection (b)(1)
6	and inserting "services, and for migration to an IP-
7	enabled emergency network.".
8	(b) Availability of PSAP Information.—The Fed-
9	eral Communications Commission may compile a list of
10	public safety answering point contact information, testing
11	procedures, classes and types of services supported by public
12	safety answering points, selective router contact informa-
13	tion, or other information concerning necessary 9-1-1 com-
14	ponents, for the purpose of assisting providers in complying
15	with this section, and may make any portion of such infor-
16	mation available to the public if such availability would
17	improve public safety.
18	(c) Development of Standards.—The Federal
19	Communications Commission shall work cooperatively with
20	public safety organizations, industry participants, and the
21	E–9–1–1 Implementation Coordination Office to develop
22	best practices that promote consistency, where appropriate,
23	including procedures for—

(1) defining geographic coverage areas for Public

Safety Answering Points;

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1	(2) defining network diversity requirements for				
2	delivery of IP-enabled 9-1-1 calls;				
3	(3) call-handling in the event of call overflow o				
4	network outages;				
5	(4) Public Safety Answering Point certification				
6	and testing requirements;				
7	(5) validation procedures for inputting and up				
8	dating location information in relevant databases				
9	and				
10	(6) the format for delivering address information				
11	to Public Safety Answering Points.				
12	SEC. 7. ENFORCEMENT.				
13	The Commission shall enforce the Wireless Commu				
14	nications and Public Safety Act of 1999 (47 U.S.C. 615a)				
15	as if that Act were part of the Communications Act of 1934				
16	For purposes of this section, any violation of the Wireless				
17	Communications and Public Safety Act of 1999 (47 U.S.C				
18	615a), or any regulation promulgated under that Act, is				
19	deemed to be a violation of the Communications Act of 1934				
20	$or\ a\ regulation\ promulgated\ under\ the\ Communications\ Ac$				
21	of 1934, respectively.				
22	SEC. 8. COMPLETION OF THE HATFIELD REPORT.				
23	(a) In General.—Not later than 30 days after the				
24	date of enactment of this Act, the Federal Communication				
25	Commission shall remit all amounts promised for the com-				

- 1 pletion of an update to the Report on Technical and Oper-
- 2 ational Issues Impacting the Provision of Wireless En-
- 3 hanced 9-1-1 Services by Dale N. Hatfield filed at the
- 4 Commission on October 15, 2002, in WT Docket No. 02-
- 5 46.
- 6 (b) Submission of Report.—Mr. Hatfield shall sub-
- 7 mit his written findings as of May 1, 2006, to the Federal
- 8 Communications Commission not later than 60 days after
- 9 receiving the payment described in subsection (a).

Calendar No. 327

110TH CONGRESS S. 428 [Report No. 110-142]

A BILL

To amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

August 3, 2007

Reported with an amendment